

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF COLLEGE STATION
AUGUST 25, 2014

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

Nancy Berry, Mayor

Council:

Blanche Brick
Steve Aldrich
Karl Mooney
John Nichols
Julie Schultz
James Benham

City Staff:

Kelly Templin, City Manager
Carla Robinson, City Attorney
Chuck Gilman, Deputy City Manager
Sherry Mashburn, City Secretary
Tanya McNutt, Deputy City Secretary

Call to Order and Announce a Quorum is Present

With a quorum present, the Regular Meeting of the College Station City Council was called to order by Mayor Berry at 7:00 p.m. on Monday, August 25, 2014 in the Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77840.

1. Pledge of Allegiance, Invocation, consider absence request.

Presentation of a Historic Marker plaque by the Historic Preservation Committee to Carla Fisher for her residence at 1213 Winding Rd., College Station, Texas.

Tina Evans, Historic Preservation Committee member, provided a brief overview of the Historic Marker program. Mayor Berry presented Marker No. 88 to Carla Fisher for her residence located at 1213 Winding Road.

Citizen Comments

Michelle Raisor, 506 Bolton, spoke to Council about the distinct character of different cities in earlier years. Now all cities look the same with one box store after another. American towns are

losing their character. She remembers what she loves about College Station . . . the character and the flavor. It disturbs her that her neighborhood is now being filled with two-story houses with four bedrooms, four baths. This is destroying the integrity of our neighborhoods. It is all one box that look the same. She requested that Council provide guidelines to developers so they may renovate, not destroy.

Ben Roper, 5449 Prairie Dawn Court, came before Council to honor the service and sacrifice of Private First Class Anthony Miller.

CONSENT AGENDA

2a. Presentation, possible action, and discussion of minutes for:

- **August 14, 2014 Workshop**
- **August 14, 2014 Regular Council Meeting**
- **August 18, 2014 Budget Workshop**
- **August 19, 2014 Budget Workshop**
- **August 20, 2014 Budget Workshop**

2b. Presentation, possible action, and discussion regarding approval of a 3-year agreement in an amount not to exceed \$64,450 with Selectron Technologies, Inc. to purchase the IVR solution for customer inquiry and for over the phone payment of Utility Bills.

2c. Presentation, possible action, and discussion on a Professional Services Contract, Contract No. 14-357 with Kimley-Horn and Associates, Inc., in the amount of \$273,850 for the design, bidding, and construction phase services associated with the Rock Prairie Road West Widening Project.

2d. Presentation, possible action, and discussion on Semi-Annual Report for Impact Fees 92-01, 97-01, 97-02B, 99-01, and 03-02.

2e. Presentation, possible action, and discussion regarding approval of a \$19,000 funding increase to Miller Uniforms for the purchase of police uniforms, for a new amount not to exceed \$67,000.

2f. Presentation, possible action and discussion on the assignment of the bank depository contract between the City, Citibank N.A. and Branch Banking and Trust (“BB&T”), and the Agreement to extend the depository contract between City and BB&T.

2g. Presentation, possible action, and discussion regarding purchase of equipment to monitor and analyze electrical usage in water production and wastewater treatment, with a total cost of \$91,670.

2h. Presentation, possible action, and discussion regarding the second renewal of Service Contract 12-302 for annual janitorial services for the Northgate District and the Chimney Hill Center with Shelby Building Maintenance and Janitorial, Inc dba Professional Floor Service & Janitorial in an amount not to exceed \$59,627.

2i. Presentation, possible action, and discussion of the second renewal of Service Contract 12-278 between the City of College Station and Shelby Building Maintenance & Janitorial, Inc. d/b/a Professional Floor Service & Janitorial LLC in the amount of \$145,444.00 for the purpose of Annual Janitorial Maintenance Service of City buildings.

2j. Presentation, possible action, and discussion on approving three contracts between the City of College Station and N. Harris Computer Corporation: a “Cayenta Software License Agreement”, (\$191,040.00) for the software licenses, a “Cayenta Software Implementation Services Agreement”, (\$645,696.00), and a “Cayenta Support and Maintenance Agreement”, (1st Yr Maint. - \$47,760.00) for the software licenses, support and implementation services, and software maintenance and support services for Cayenta Software Products; and approving Resolution 08-25-14-2j, authorizing the City Manager to approve contract documents and expenditures related to the N. Harris Computer Corporation contracts.

Item 2d was pulled from the agenda.

MOTION: Upon a motion made by Councilmember Mooney and a second by Councilmember Schultz, the City Council voted seven (7) for and none (0) opposed, to approve the Consent Agenda, less item 2d. The motion carried unanimously.

REGULAR AGENDA

1. Public Hearing, presentation, possible action, and discussion regarding Ordinance 2014-3596, amending the Comprehensive Plan - Future Land Use & Character Map from Restricted Suburban to Suburban Commercial for the property located at 3751 Rock Prairie Road West, generally located at the southwest corner of Rock Prairie Road West and Holleman Drive South.

Jennifer Prochazka, Planning and Development Services, stated that this request is to amend the Comprehensive Plan – Future Land Use and Character Map from Restricted Suburban to Suburban Commercial.

The Planning and Zoning Commission considered this item at their August 7 meeting and voted unanimously to recommend approval of the amendment to the Comprehensive Plan.

At approximately 7:27 p.m., Mayor Berry opened the Public Hearing.

Rabon Metcalf, engineer for the development, spoke in favor of the project.

There being no further comments, the Public Hearing was closed at 7:27 p.m.

MOTION: Upon a motion made by Councilmember Mooney and a second by Councilmember Nichols, the City Council voted seven (7) for and none (0) opposed, to adopt Ordinance 2014-3596, amending the Comprehensive Plan - Future Land Use & Character Map from Restricted Suburban to Suburban Commercial for the property located at 3751 Rock Prairie Road West, generally located at the southwest corner of Rock Prairie Road West and Holleman Drive South. The motion carried unanimously.

2. Public Hearing, presentation, possible action, and discussion regarding an ordinance amending Chapter 7, "Health and Sanitation", of the Code of Ordinances of the City of College Station, Texas, by amending section 9, "Tobacco products and smoking"; to regulate electronic cigarettes as tobacco, restricting their public use as specified and prohibiting their sale to and possession and use of by minors; providing a severability clause; declaring a penalty; and providing an effective date.

Chris Jarmon, Assistant to the City Manager, reported that Staff recommends that e-cigarettes be regulated under Chapter 7-Health and Sanitation and specifically recommends three limitations regarding the sale, possession, and use of e-cigarettes. If approved, this ordinance will become effective within twenty days of passage.

At approximately 7:41 p.m., Mayor Berry opened the Public Hearing.

Chris Scotti, 305 Gleeson Court, representing the Northgate District Association, said they asked for input from their members and took a vote today. The decision of the Board was to stay neutral. Suggested change is to affect specific businesses whose bottom line may be affected.

Frank Hageal, 3815 Stoney Creek, owns a social lounge. He stated that the e-hookah is 99% safer than the usual hookah and contains zero nicotine or other toxic materials. It is very safe. This will affect his business, and he asked for an exemption.

Jordan Paultz, 110 College Main, stated that the e-hookah provides a valued service to tables. The mist is 100% nicotine-free and is non-hazardous to their customers. It is a substitute to smoking and is seen as a safer option and is less expensive. It also gives way to satiate cravings. He asked for exemption.

Jonathan Payne, 1301 Harvey Road, Apt. 237, reported he was a smoker for six years at two packs a day. He developed asthma and needed an inhaler. He started vaping last year and no longer needs the inhaler. He named a number of vegetables that also contain nicotine, and noted that some doctors recommend nicotine to promote growth of the brain. He also noted that over consumption of nicotine can be lethal. The flavorings are derived from natural fruits, etc., and they don't sell to minors.

Kristine Donatello, 6715 Windrift Way #16, with the American Cancer Society, expressed their support of this ordinance. The FDA has announced they intend to put e-cigarettes in the same category as cigarettes. The similarities have been confusing business owners and cities across Texas. They are not asking for a ban on e-cigarettes, but that it be included in the ban wherever cigarettes are banned. She noted that the number of youths using e-cigarettes has tripled, and the middle and high school students that have never smoked are twice as likely to use cigarettes later if they use e-cigarettes.

There being no further comments, the Public Hearing was closed at 7:55 p.m.

A motion was made by Councilmember Brick and seconded by Councilmember Nichols to adopt an ordinance amending Chapter 7, "Health and Sanitation", of the Code of Ordinances of the City of College Station, Texas, by amending section 9, "Tobacco products and smoking"; to regulate electronic cigarettes as tobacco, restricting their public use as specified and prohibiting

their sale to and possession and use of by minors; providing a severability clause; declaring a penalty; and providing an effective date, amended to strike the definition and insert the definition proposed by the American Cancer Association, noted below:

“Electronic Smoking Device”- means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

MOTION: Upon a motion made by Councilmember Benham and a second by Councilmember Mooney, the City Council voted two (2) for and five (5) opposed, with Mayor Berry and Councilmembers Brick, Aldrich, Nichols, and Schultz voting against, to amend the main motion by removing #C and all related sections. The motion failed.

MOTION: Upon a motion made by Councilmember Aldrich and a second by Mayor Berry, the City Council voted seven (7) for and none (0) opposed, to postpone this item to the September 11 Council meeting. The motion carried unanimously.

3. Presentation, possible action, and discussion regarding an economic development agreement between the City of College Station and StataCorp, LP.

Randall Heye, City Manager’s Office, reported that StataCorp has expressed an interest in expanding its headquarters and employee amenities currently located at 4905 Lakeway Drive onto the adjacent 210 Technology Way for a larger corporate campus. In order to do so, staff is recommending to City Council the abandonment of a portion of Technology Way, expedited permitting and waiver of the right-of-way abandonment application fee, and the dedication of approximately 30 acres of greenways to parkland. StataCorp would be responsible for the construction of a new commercial office building valued at \$3,000,000, and an addition of fifteen new professional positions or an annual payroll increase of \$1,000,000 within the terms of the agreement. Staff recommends approval of the Economic Development Agreement with StataCorp.

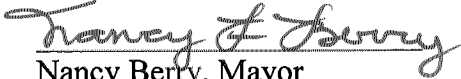
MOTION: Upon a motion made by Councilmember Benham and a second by Councilmember Schultz, the City Council voted six (6) for and none (0) opposed, with Councilmember Brick recusing herself, to approve the Economic Development Agreement with StataCorp. The motion carried.

4. Presentation, possible action, and discussion regarding an appointment to the BVSWM, Inc., Board of Directors.

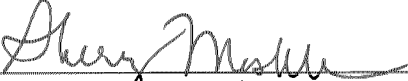
MOTION: Upon a motion made by Councilmember Nichols and a second by Councilmember Benham, the City Council voted seven (7) for and none (0) opposed, to appoint Karl Mooney to the BVSWM, Inc. Board of Directors for a one-year term and Rick Floyd to the BVSWM, Inc. Board of Directors for a three-year term. The motion carried unanimously.

5. Adjournment.

MOTION: There being no further business, Mayor Berry adjourned the Regular Meeting of the City Council at 8:31 p.m. on Monday, August 25, 2014.


Nancy Berry, Mayor

ATTEST:


Sherry Maskburn, City Secretary

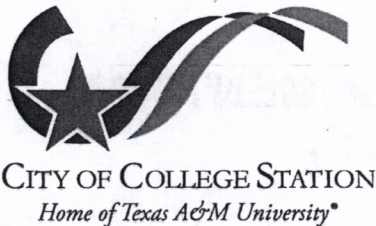
College Station City Council Regular Agenda
Sign In Sheet
Monday, August 25, 2014 at 7:00 p.m.
City Hall Council Chamber

Mayor
Nancy Berry
Mayor ProTem
Karl Mooney
Manager
Kelly Templin

Council Members
Blanche Brick
Steve Aldrich
John Nichols
Julie Schultz
James M. Benham

	Name	Address	Email or Phone No.
1.	LINDA HARVELL	504 GUERNSEY 17840	fortli@aol.com
2.	Gary Ives	3943 Blue Jay Ct	
3.	Chris Scott.	305 Gleason	chris@chris.scott.com
4.	Richard Burkett	401 College main D	rburkett09@hotmail.com
5.	JORDAN PAETZ	305 BOYETT ST	JORDAN@JPAETZ.COM
6.	FRANK HAGEAL	3815 Stony Creek Ln. C.S.TX	FRANK_STALLAN@yahoo.com
7.	DANA WOODLOCK	1571 Wolf Run, CS, TX	d-woodlock@tamu.edu
8.	Julia Graytor	7005 Rock Grove, CS, TX 77845	legraytor@aol.com
9.	Kristine Graytor ACS		Kristine.Donatello@carver.org
10.	Cynthia Christner	1013 Winding Rd	christnerwatson@yahoo.com
11.	Gary & Judy Hart	1104 Meade St, CS.	
12.	Louis Hodges	1802 Medina, C.S.	
13.	Lina Evans	1208 Oak St CS TX	
14.	Bill Cohn	315 Kyle Avenue.	
15.	Kristine Donatello ACS OAN	6715 Windrift Way #16 Austin, Texas 78455	Kristine.donatello@carver.org

Note this not a Hear Visitors form To speak on a particular item please file out the Citizen
Speakers Form next to sign in sheet.



CITIZEN COMMENT SIGN-UP FORM

Regular Meeting Date: 8/25/14
MM / DD / YY

**** Please PRINT all information ****

Name: Michelle Raisor Phone: 979-695-8095
Address: 506 Bolton, CS
Email: michelle.raisor@blinn.edu Comments: ☐ WRITTEN ☒ ORAL
Comments are presented for: ☒ HEAR VISITORS ☐ AGENDA ITEM # _____

FOR WRITTEN COMMENTS, PLEASE WRITE BELOW:

☐ COMMENTS CONTINUED ON ATTACHED DOCUMENT OF _____ PAGE(S)

FOR ORAL COMMENTS:

1. YOU MUST SIGN UP PRIOR TO THE SCHEDULED MEETING
(At the City Secretary's Office during regular business hours, or from 5:00 p.m. to 6:45 p.m. the day of the meeting.);
2. YOU WILL HAVE ONE OPPORTUNITY TO SPEAK; AND
3. YOU MUST OBSERVE THE 3-MINUTE TIME LIMIT. (Time cannot be transferred to another speaker.)

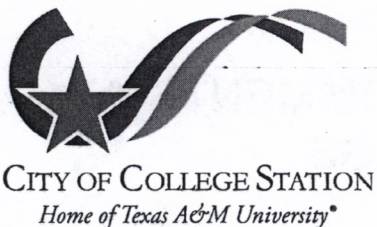
Inquiries from speakers about matters not listed on the agenda will either be directed to the Staff or placed on a future agenda for Council consideration. **See reverse side for additional rules.**

MAIL, FAX OR EMAIL COMPLETED FORM TO:

City of College Station
City Secretary's Office – City Hall
1101 Texas Avenue, College Station, Texas 77840
Fax: 979-764-6377
Email: smashburn@cstx.gov

OFFICE USE ONLY:
(# in which received)

2



CITIZEN COMMENT SIGN-UP FORM

Regular Meeting Date: 08/25/14
MM / DD / YY

**** Please PRINT all information ****

Name: Ben Roper Phone: 979-777-0382
Address: 5449 Prairie Dawn Ct., College Station
Email: broper0001@hotmail.com Comments: ☐ WRITTEN ☒ ORAL
Comments are presented for: ☒ HEAR VISITORS ☐ AGENDA ITEM # _____

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CITY OF COLLEGE STATION
Home of Texas A&M University*

PUBLIC HEARING SIGN-UP FORM

Regular Meeting Date: 8/25/14
MM/DD/YY

**** Please PRINT all information ****

Name: RABON METCALF Phone: (979) 764-0704

Address: P.O. Box 9253, C.S., Tx 77842

Email: RABONCRMENGINEER.COM Comments: ☐ WRITTEN ☒ ORAL

Comments will be presented for PUBLIC HEARING AGENDA ITEM # 1

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CITY OF COLLEGE STATION
Home of Texas A&M University*

PUBLIC HEARING SIGN-UP FORM

Regular Meeting Date: _____

8/28/14

MM/DD/YY

**** Please PRINT all information ****

Name: Chris Scott Phone: 979-574-3642

Address: 305 Gleason Ct. College Station

Email: chris@chriscott Comments: ☐ WRITTEN ☒ ORAL

Comments will be presented for PUBLIC HEARING AGENDA ITEM # 2

FOR WRITTEN COMMENTS, PLEASE WRITE BELOW:

☐ COMMENTS CONTINUED ON ATTACHED DOCUMENT OF _____ PAGE(S)

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CITY OF COLLEGE STATION
Home of Texas A&M University

PUBLIC HEARING SIGN-UP FORM

Regular Meeting Date: 8/25/14
MM/DD/YY

**** Please PRINT all information ****

Name: FRANK Hageal Phone: 979-229-4453

Address: 3815 STONY CREEK LN

Email: frankstalla@yahoo.com Comments: ☐ WRITTEN ☒ ORAL

Comments will be presented for PUBLIC HEARING AGENDA ITEM # 2

FOR WRITTEN COMMENTS, PLEASE WRITE BELOW:

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CITY OF COLLEGE STATION
Home of Texas A&M University*

PUBLIC HEARING SIGN-UP FORM

Regular Meeting Date: _____

8/25/14
MM/DD/YY

**** Please PRINT all information ****

Name: JORDAN PAULTZ

Phone: 979-318-2737

Address: 10 COLLEGE MAIN

Email: JORDAN@PAULTZ.COM

Comments: ☐ WRITTEN ☒ ORAL

Comments will be presented for PUBLIC HEARING AGENDA ITEM # 2

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CITY OF COLLEGE STATION
Home of Texas A&M University*

PUBLIC HEARING SIGN-UP FORM

Regular Meeting Date: 6/25/14
MM/DD/YY

**** Please PRINT all information ****

Name: Jonathan Payne Phone: 979-575-4749

Address: 1301 Harvey RD Apt. 237

Email: kascigodai@gmail.com Comments: ☐ WRITTEN ☒ ORAL

Comments will be presented for PUBLIC HEARING AGENDA ITEM # 2

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CITY OF COLLEGE STATION
Home of Texas A&M University®

PUBLIC HEARING SIGN-UP FORM

Regular Meeting Date: 8/25/14
MM / DD / YY

**** Please PRINT all information ****

Name: Kristine Donatello Phone: (979) 450-0251
Address: 6715 Windrift Way #16 Austin, Texas 78745
Email: Kristine.donatello@cancer.org Comments: ☐ WRITTEN ☒ ORAL
Comments will be presented for PUBLIC HEARING AGENDA ITEM # 2

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4

AFFIDAVIT OF CONFLICT OF INTEREST

STATE OF TEXAS
COUNTY OF BRAZOS

I, Blanche Brick as a member of the City of College Station City Council make this affidavit and hereby, on oath, state the following: I, and/or a person or persons related to me, have a substantial interest in a business entity that would be peculiarly affected by a vote or decision of the City Council as those terms are defined in Chapter 171, *Texas Local Government Code*.

The business entity is: Stata Corp

Blanche Brick (have/has) a substantial interest in this business entity for the following reasons: (Check all that are applicable.)

- ☐ I own 10% or more of the voting stock or shares of the business entity;
- ☐ I own either 10% or more or \$5,000 or more of the fair market value of the business entity;
- ☐ Funds received by me from the business entity exceed 10% of my gross income for the previous year;
- ☐ Real property is involved and (I/we) have an equitable or legal ownership with a fair market value of \$2,500 or more;
- ☒ A relative of mine has a substantial interest in the business entity or property that would be affected by a decision of the public body of which I am a member.

Upon the filing of this affidavit with the City Secretary, I affirm that I will abstain from voting on any decision involving this business entity and from any further participation on this matter whatsoever.

Signed this 25th day of August, 2014.

Blanche Brick
Signature of Official
Council member
Title

BEFORE ME, the undersigned authority, on this day personally appeared Blanche Brick, who after being by me duly sworn and on his oath deposed and says that he/she has ready the above and foregoing and that every statement contained therein is with his/her personal knowledge and is true and correct.



Sherry Mashburn
Notary Public, State of Texas